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BELL, BOYD & LLOYD, LLC
P. O. BOX 1135
CHICAGO, IL 60690-1135

In re Application of : DECISION ON
OKUYAMA et al.
Serial No.: 10/088,463
PCT No.: PCT/JP01/06214 : REQUEST FOR
Int. Filing Date: 18 July 2001
Priority Date: 18 July 2000 : CORRECTED FILING RECEIPT
Attorney's Docket No.: 113278.006
For: SEMICONDUCTOR LIGHT-EMITTING DEVICE
AND SEMICONDUCTOR LIGHT-EMITTING APPARATUS

This decision is in response to applicant's "REQUEST FOR CORRECTED FILING RECEIPT" filed in the United States Patent and Trademark Office (USPTO) on 16 September 2003. The petition requests a change in the title for the invention, which differs from the title as listed on the published International application.

BACKGROUND

On 18 July 2001, applicant filed international application No. PCT/JP01/06214 which claimed priority of an earlier Japanese application filed 18 July 2000. A copy of the international application had been communicated earlier to the United States Patent and Trademark Office from the International Bureau on 24 January 2002. The published international application identified the title of the invention as "Semiconductor Light-Emitting Device and Semiconductor Light-Emitting Apparatus".

No Demand was filed for international preliminary examination prior to the expiration of nineteen months from the priority date. Accordingly, the twenty-month period for paying the basic national fee in the United States expired at midnight on 18 March 2002.

On 18 March 2002 applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 17 July 2002, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required. The notification set a two month time limit in which to respond.

On 23 July 2002, applicant submitted an executed declaration in response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office.

On 25 February 2003, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Acceptance of Application under 35 U.S.C. 371 (Form PCT/DO/EO/903) and filing receipt.

On 16 September 2003, applicant filed, via facsimile in the USPTO, a Request for

Corrected Filing Receipt, requesting a correction to the title of the invention.

DISCUSSION

Applicant requests correction of the title of the invention to "Semiconductor Light-Emitting Element and Semiconductor Light-Emitting Device". A review of the publication of the international application reveals the correct title of the invention is "Semiconductor Light-Emitting Device and Semiconductor Light-Emitting Apparatus".

The filing receipt mailed on 25 February 2003 identifies the title as it appears on the published international application. Since the title on the filing receipt is identical to that provided on the published international application, the filing receipt properly identifies the title and thus no correction is required.

Applicant is advised that an amendment is needed to change the title of an invention.

CONCLUSION

For the reasons above, applicant's request for a corrected filing receipt is **DISMISSED WITHOUT PREJUDICE**.

This application is being forwarded to Group Art Unit 2826 for examination in due course.



Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (703) 306-5467
Facsimile: (703) 308-6459